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3 Minutes of the meeting of the Logan Municipal Council convened in regular
4 session on Tuesday, November 18, 2014 at 5:30 p.m. in the Logan City Municipal
5 Council Chamber, 290 North 100 West, Logan, Utah. Chairman Karl B. Ward
6 conducting.
7

8 Council members present at the beginning of the meeting: Chairman Karl B.
9 Ward, Vice Chairman Jeannie F. Simmonds, Councilmember Holly H. Daines,
10 Councilmember Herm Olsen and Councilmember S. Eugene Needham. Administration
11 present: Mayor H. Craig Petersen, Finance Director Richard Anderson, City Attorney
12 Kymber Housley and City Recorder Teresa Harris.
13

14 **OPENING CEREMONY.**

15
16 Logan Police Chief Gary Jensen gave the opening prayer and led the audience in the
17 pledge of allegiance.
18

19 Chairman Ward welcomed those present. There were approximately 22 citizens in the
20 audience at the beginning of the meeting.
21

22 **Meeting Minutes.** Minutes of the Council meeting from November 4, 2014 were
23 reviewed and approved with minor changes.
24

25 **ACTION.** Motion by Councilmember Daines seconded by Vice Chairman Simmonds to
26 **approve the November 4, 2014 minutes and approve tonight's agenda.** Motion
27 carried unanimously.
28

29 **Meeting Agenda.** Chairman Ward announced there would be three public
30 hearings at tonight's Council meeting.
31

32 **Meeting Schedule.** Chairman Ward announced that regular Council meetings
33 would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular
34 Council meeting is Tuesday, December 2, 2014.
35

36 The Council meeting scheduled on December 16, 2014 has been cancelled.
37

38 Councilmember Olsen asked to be excused from the December 2, 2014 Council meeting.
39

40 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.**

41
42 There were no questions or comments from the audience for the Mayor or Council.
43

44 **MAYOR/STAFF REPORTS.**

45
46 **Updates on Projects/Issues – Mayor Craig Petersen**
47

48 The following updates were given:

49

- 50 • There are no road closures to report except for temporary closures as needed.
- 51 • Winter Overnight Parking Restrictions: As of November 15, 2014 Logan City
52 Municipal Code 10.52.170 prohibits parking on the street between the hours of
53 1:00 a.m. and 6:00 a.m. The purpose of this ordinance is to allow for snow
54 removal from the street. To accommodate family members celebrating
55 Thanksgiving and Christmas, no overnight parking tickets will be issued
56 November 26-30 and December 24-31 Restrictions will remain in place until
57 February 28, 2015.
- 58 • City of Logan Holiday Hours: Closed Thursday, November 27 and 28, Closed
59 Wednesday, December 24 at 3:00 p.m., Closed Thursday, December 25, Normal
60 office hours Friday, December 26.
- 61 • Miller Sports Bear Hugs Christmas Program will be in Logan on December 6.
62 The Logan City School District will identify 200 children who will participate.
63 The Utah Jazz Bear will accompany the children as they travel by bus to Walmart
64 where they will each be given \$80 to spend.
- 65 • Nominations for the Red Cross Heroes Program are now being accepted from
66 those who have made a difference in the community.
- 67 • The Community Bridge Initiative kickoff was held November 12 with the
68 following projects announced:
 - 69 a. Citywide Tree Plan
 - 70 b. Evaluation of Recycling Programs
 - 71 c. Neighborhood Improvement
 - 72 d. Evaluation of After-School Program
 - 73 e. GIS-Based Story Maps
 - 74 f. Air Quality Improvement Strategies
- 75 • The Logan Youth City Council meets for the first time this year tonight at 6:30
76 p.m. and Mayor Petersen plans to attend.
- 77 • Proceeds from the Needham book donation book sale were \$15,052 and will go to
78 the Friends of the Library Program.
- 79 • A meeting was recently held with Box Elder Commissioners and Cache County
80 representatives regarding a discussion on Logan and Cache County sending its
81 solid waste to the Box Elder County Landfill at Little Mountain instead of
82 opening the North Valley Landfill location. Mayor Petersen said it was very clear
83 after the meeting that the Box Elder/Little Mountain location is not a viable
84 option. A letter is being prepared by Cache County that will be presented at their
85 County Council meeting on November 25, 2014. We will proceed with the North
86 Valley Landfill location.
- 87 • Regarding the access road right-of-ways to the North Valley Landfill. City
88 Attorney Kymber Housley reported Logan City is asking Cache County to
89 support the possibility of condemning certain portions of property on the road
90 being built for the North Valley Landfill. The City is talking to property owners
91 along the proposed road to buy those portions instead of condemning them. If the
92 letter is passed, it will only be sent to property owners that request it. This isn't
93 intended to be sent to all property owners. Some of the property owners are

94 already under contract to vacate that portion of road, and the hope is not to
95 condemn. He feels the majority of property owners will sell. The City agreed to
96 pay anything over 14 ft. which is the travel portion of the current road. If it goes
97 to condemnation we will assert our right-of-way width and it could be as high as
98 66 ft. and the City will only pay for the property outside of that 66 ft. The County
99 will have to condemn the properties, if it comes to that, because the road is in the
100 County's jurisdiction. The City will pay for all access into the property, drainage,
101 as well as the set aside costs including green belt taxes. The goal is to keep the
102 property owner whole. There are 70-80% of property owners that have already
103 signed the agreement.

104

105 **Utah Clean Air (UCAIR) Grant – Mayor Craig Petersen and Emily Malik**

106

107 Emily Malik from the Environmental Department announced that she applied for two air
108 quality grants through Utah Clean Air (UCAIR). The City did not receive the grant for
109 the natural gas garbage truck but the City received a grant for an electric car that will be
110 used for the Logan City Parking Authority, charging station for electric cars and anti
111 idling signs. The total amount of the grant was \$35,000.

112

113 **Board Appointments – Mayor Craig Petersen**

114

115 Mayor Craig Petersen asked the Council for ratification of the following appointments to
116 the Parks & Recreation Advisory Board which are all three year terms.

117

118 Jason Pond – New Appointment

119 Laura Sawyer – New Appointment

120 Dan King – Re-Appointment

121

122 **ACTION.** Motion by Councilmember Daines seconded by Councilmember Olsen to
123 **approve ratification** of Jason Pond, Laura Sawyer and Dan King as presented. Motion
124 carried unanimously.

125

126 **Gossner – Request to discharge treated wastewater – Issa Hamud, Environmental**
127 **Director**

128

129 Environmental Department Director Issa Hamud addressed the Council and he also
130 introduced Gossner Foods representatives Dolores Wheeler and Greg Rowley who were
131 in attendance at tonight's meeting.

132

133 Mr. Hamud stated that Gossner Foods sent a letter to Mayor Petersen requesting to
134 discharge treated wastewater from Gossner Foods treatment facility to Logan City's
135 wastewater treatment facility. The letter stated that Gossner Foods stores their treated
136 wastewater during the winter months for land application for the following spring and
137 summer. Due to recent production expansions they have outgrown their capacity to store
138 for the entire winter season. To help with their capacity issues, Logan City has allowed
139 them to transfer treated wastewater directly into the City's treatment lagoons in the last
140 four seasons.

141 The proposed solution is to pipe the treated wastewater to the wastewater collection
142 manhole at 1200 West and the cost of the pipe line would be approximately \$200,000. It
143 is also proposed that Logan City help bear the cost of the project. For that reason, Mr.
144 Hamud suggested that Logan City provide up to \$100,000 in support of this project and
145 authorize the City to invoice the services using the other Cities rate. This solution will
146 provide Gossner Foods with a permanent solution and the option of using the Logan
147 treatment system any time they need.

148
149 Mr. Hamud added that the flow from the facility will be metered separately and they will
150 be billed according to the flow accepted. Based on the historical charges from the
151 previous arrangements the project will pay for itself in less than three years. In addition,
152 Gossner Foods will also be required to install a flow metering system on their collection
153 line, pay any sampling and analytical costs, meet Logan City's pretreatment requirement
154 and accept a Logan City pretreatment permit and permit conditions. Council approval
155 will not require approval of funds for this project rather the Logan City Environmental
156 Department will fund this contribution from the already approved 2015 budget by
157 adjusting reserve contributions by the same amount.

158
159 Chairman Ward asked if the new treatment facility will be adequate to continue to
160 process for Gossner as we go into the future.

161
162 Mr. Hamud responded yes, and it will allow Gossner to connect to us permanently in the
163 future.

164
165 Councilmember Daines said Gossner is a good employer a good business and we are
166 happy to have them in Logan. She supports the proposed project.

167
168 Councilmember Olsen said if people call Mayor Petersen accusing the City of favoritism
169 and using government money to benefit private enterprise, the response should be that it
170 benefits the City. He said this is a mechanism to both benefit a local business, but to
171 ensure that future wastewater transfers to Logan City will be billed back to the company,
172 and then paid for by the company which over time would more than adequately
173 reimburse the investment of the two parties.

174
175 Mayor Petersen said that is correct. It solves the regulatory problem and is an economic
176 investment by the City.

177
178 Councilmember Olsen said if we make this investment he would like a provision that if
179 by chance the pipeline cannot be built, the City can recoup their money.

180
181 Mr. Housley said while that is not likely, it can be added to the agreement. This is an
182 administrative decision and it comes down to what Mayor Petersen wants in the
183 agreement. This is for the Council's information and not approval.

184
185 Councilmember Olsen said he would be more comfortable having this included in the
186 agreement.

187

188 Representatives from Gossner said they are comfortable including a hold harmless
189 statement in the agreement.
190
191 The Council all agreed that Logan City should move forward with this proposed project.
192

193 **COUNCIL BUSINESS.**

194
195 There was no Council business discussed at tonight's meeting.
196

197 **ACTION ITEMS.**

198
199 **PUBLIC HEARING – Consideration of a proposed resolution authorizing and**
200 **approving a capital contribution by the City of Logan, Utah in respect of bonds to**
201 **be issued by the Utah Associated Municipal Power Systems (UAMPS) pursuant to**
202 **the Veyo Heat Recovery Project Power Sales Contract and related matters –**
203 **Resolution 14-83**
204

205 At the November 4, 2014 Council meeting, Logan City Attorney Kymber Housley
206 explained the proposed resolution which is the Veyo Heat Recovery Project. The Council
207 agreed to participate in the Veyo Heat Recovery and has already passed a resolution in a
208 prior Council meeting. At this time UAMPS is prepared to obtain financing and one of
209 the options they are giving us is a capital contribution to reduce our financial costs. They
210 need to know at what level it would be financed. This is a 7 million dollar commitment
211 and Logan City will pay half of this upfront and finance the remainder through UAMPS.
212 This is a 23 year commitment. This is not a debt for the City of Logan; we are just
213 guaranteeing that we will buy any power that is produced up to 22%.
214

215 Chairman Ward opened the meeting to a public hearing.

216
217 There were no comments and Chairman Ward closed the public hearing.
218

219 **ACTION.** Motion by Councilmember Olsen seconded by Vice Chairman Simmonds to
220 **approve Resolution 14-83** as presented. Motion carried unanimously.
221

222 **PUBLIC HEARING - Budget Adjustment FY 2014-2015 appropriating: \$16,664**
223 **additional funds for the 21st Century Grant; \$3,500,000 for Veyo Project expenses**
224 **from the Electric Fund– Resolution 14-81**
225

226 At the November 4, 2014 Council meeting, Finance Director Richard Anderson
227 addressed the Council and explained the proposed budget adjustment. The \$3,500,000 is
228 supporting the Veyo Project expenses and this will follow Resolution 14-83 which the
229 Council will need to approve first before the budget adjustment is made.
230

231 Chairman Ward opened the meeting to a public hearing.

232
233 There were no comments and Chairman Ward closed the public hearing.
234

235 **ACTION.** Motion by Councilmember Daines seconded by Vice Chairman Simmonds to
236 **approve Resolution 14-81** as presented. Motion carried unanimously.

237

238 **PUBLIC HEARING - Consideration of a proposed ordinance vacating portions of a**
239 **right-of-way between 400 South and 500 West (Fairgrounds) – Ordinance 14-82**

240

241 At the November 4, 2014 Council meeting, Public Works Director Mark Nielsen
242 explained the proposed ordinance which is a request to vacate the right-of-way between
243 400 South and 500 West to provide an open grass area for the fairgrounds. The existing
244 right-of-way has not been used as a right-of-way for many years and is proposed to be
245 vacated in order to use the land as lawn space for the Cache County Fairgrounds. The
246 vacation will go back into a co-ownership of Logan City and Cache County. A petition
247 was available in the Engineering Office at City Hall for signing until 5:00 p.m. today.

248

249 Chairman Ward opened the meeting to a public hearing.

250

251 There were no comments and Chairman Ward closed the public hearing.

252

253 **ACTION.** Motion by Chairman Simmonds seconded by Councilmember Daines to
254 **adopt Ordinance 14-82** as presented. Motion carried unanimously.

255

256 **WORKSHOP ITEMS.**

257

258 **Budget Adjustment FY 2014-2015 adjusting: \$18,083 to reimburse the Fire**
259 **Department for expenses incurred in providing an engine boss for fire suppression:**
260 **\$8,280 to reimburse the Fire Department for ARFF Training expenses for the**
261 **Logan Cache Airport – Resolution 14-85 – Richard Anderson, Finance Director**

262

263 Finance Director Richard Anderson addressed the Council regarding the proposed budget
264 adjustment.

265

266 The proposed resolution will be an action item and public hearing at the December 2,
267 2014 Council meeting.

268

269 **Results of a neighborhood survey for a Special Assessment Area in the Equestrian**
270 **Estates Subdivision, 350 South from 1000 West to 1350 West (curb and gutter) –**
271 **Mark Nielsen, Public Works Director**

272

273 Public Works Director Mark Nielsen addressed the Council regarding the proposed
274 Special Assessment Area (SAA) in the Equestrian Estates Subdivision. As directed by
275 Council, a survey was conducted in two parts, the “doorstep” and “prior Communication”
276 portions. Of the 34 homes in the study area, 17 were surveyed at the doorstep, 12 were
277 surveyed through prior communication, 4 were rentals (not surveyed) and no response
278 was received from 1 home.

279

280 The doorstep survey portion of the 350 South Special Assessment Area Survey was
281 conducted between October 6-9, 2014. Survey forms were filled out by the surveyor

282 while asking the questions to respondents. Responses to the questions were verified with
283 the residents. In addition to the doorstep surveys, input was received from some
284 households prior to the doorstep study. This involved mailed communication and direct
285 communication with households. The gaps in the prior communication are what
286 promoted the follow-up doorstep survey. Those homes that were contacted during the
287 prior communication were not surveyed a second time, although additional information
288 was collected during the doorstep portion, thus, answers to all questions were not
289 received from every home. Only question 1, “are you in favor of the proposed curb and
290 gutter”, was asked of all homes that participated in the survey.

291

292 Question 1: Are you in favor of the proposed curb and gutter”

293 Yes – 14

294 No – 14*

295 Indifferent – 1

296 *Conditional Yes (answered and counted as no, but would be in favor if certain
297 conditions were met).

298

299 Question 2: Would you protest a proposed Special Assessment Area?

300 Yes – 8

301 Total Surveyed – 17

302 This question was only posed to doorstep respondents. Of the 17 surveyed, 8 expressed
303 that they would protest a proposed Special Assessment Area. As all but two of the prior
304 communication were in favor of the proposal, the lack of additional survey responses to
305 this question should not significantly alter the findings.

306

307 Question 3: Would you prefer 350 South be wider to facilitate on-street parking?

308 Yes – 10

309 No – 8

310 No Response – 1

311 Total Surveyed – 19

312 This question was posed to all doorstep respondents and was discussed in prior
313 communications with two households. Of the 17 survey and two prior communications,
314 10 indicated that they were in favor of widening 350 South to facilitate on-street parking
315 and 8 were not in favor.

316

317 Additional Questions and Comments from those surveyed:

- 318 • They would like to have continued access to their backyard.
- 319 • They enjoy the convenience of not having a curb.
- 320 • Surprised that this issue has come up again.
- 321 • Belief that this would not fix the flooding issue.
- 322 • Desire to have the entire road repaved.
- 323 • Desire to have the driveway area repaired after being damaged by new water main
324 construction.
- 325 • Cost was too high and the City should pay for the SAA.
- 326 • The City and developer should not have let this happen (lack of curb and gutter).

327

328 Mr. Nielsen said the neighborhood survey is split at 1200 West, the eastern portion of
329 1200 West is against the SAA and the reason is all the water flows to the West. He
330 suggested the SAA go from 1200 West and West from there. We would only install curb
331 and gutter and see if the other side of 1200 West wants to possibly do an SAA in the
332 future.

333

334 Equestrian Estates resident Eldon Peterson commented the neighborhood feels the
335 compromise will work well.

336

337 Mr. Nielsen said he will move forward and start the process of the SAA which will first
338 be to notify the residents of those living on 1200 West and West from there. He will
339 repave the East side of the road as well. He feels that curb and gutter on the West side
340 will alleviate the flooding issues.

341

342 Mr. Housley added the property owners need to also realize the advertising costs for the
343 SAA will go up because there are fewer property owners participating.

344

345 Councilmember Needham commented it seems to him this has been an agonizing
346 experience for the property owners and they didn't get what they thought they were
347 getting when they purchased the property. He feels we should be as generous as we can.

348

349 Mr. Nielsen disagreed and said the subdivision was completed before the City had the
350 requirement for curb and gutter. The homes have large lots with a rural feel and when
351 they purchased these homes they knew there was no curb and gutter. Today they could
352 not have built this subdivision the way it is now.

353

354 Councilmember Needham said in retrospect things should have been done differently.

355

356 Mr. Nielsen said he will move forward; notify the residents and a public hearing will be
357 scheduled in the future.

358

359 **Consideration of a proposed ordinance amending Section 9.12.175 of the Logan**
360 **Municipal Code regarding Smoking (E-Cigarettes) Prohibited in City Parks,**
361 **Recreational Areas, and Cemeteries, and near Mass Gatherings – Ordinance 14-84**
362 **– Russ Akina, Parks & Recreation Director**

363

364 Logan City Parks & Recreation Director Russ Akina addressed the Council regarding the
365 proposed ordinance. The Parks & Recreation Department has for many years worked
366 closely with the Bear River Health Department in raising awareness about the hazards
367 associated with smoking and the use of tobacco products. In 2004, the Logan Municipal
368 Council passed an ordinance prohibiting smoking in City parks, recreational areas,
369 cemeteries, and near mass gatherings.

370

371 With the introduction of electronic oral devices that provide a vapor of nicotine or other
372 substances that simulates smoking, The Bear River Health Department recommends that
373 the City of Logan amend its ordinance to include the prohibition of electronic oral
374 devices.

375 Mr. Akina introduced Emily Jewkes from the Bear River Health Department.

376

377 Ms. Jewkes stated the Bear River Health Department is asking the City to include e-
378 cigarettes in its ordinance banning smoking from parks and other public outdoor spaces.
379 She said the Utah Clean Air Act bans e-cigarettes indoors in public areas, and they want
380 to be consistent with all tobacco laws. It's also important to point out that e-cigarette use
381 among the youth has tripled in recent years mostly due to the marketing of e-cigarettes.

382

383 Councilmember Olsen asked what how does second hand vapor from e-cigarettes affect
384 people.

385

386 Ms. Jewkes responded that is the hard thing about electronic cigarettes. We don't have
387 enough information about the affects of e-cigarettes at this time to determine the health
388 effects of people that use them or people they are around while vaping.

389

390 Councilmember Olsen said if he were impressed that the nicotine or tars were transmitted
391 to innocent third parties, like second-hand smoke, he would have a different opinion on
392 this issue. But if the jury is still out about this, then he doesn't feel we need to amend the
393 ordinance and ban e-cigarettes.

394

395 Mr. Housley pointed out that technically e-cigarettes are already banned in parks and
396 other outdoor areas because the State of Utah's definition of smoking includes e-
397 cigarettes by name. Logan's definition of smoking does not. It's already prohibited in our
398 parks, but the intent is to make it clear by having the specific definition in our ordinance.
399 The ban includes not just parks, but bus stops and mass gatherings. In some of those
400 places, it would be difficult for someone to get away from an e-cigarette smoker to avoid
401 the vapor. He said he personally, does not want to be around someone vaping where he is
402 standing and where he can't get away from the vaping.

403

404 Councilmember Olsen said he is bothered by the notion that government in Salt Lake
405 City controls and compels what we do here in Logan City. It may already have been done
406 in terms of the State law but he feels they should not control what we do here.

407

408 Mr. Housley said the State of Utah is not regulating our parks; it just happens that we are
409 using their definition to define tobacco products. We are not changing our ordinance
410 other than we are adding a definition to make it clear that e-cigarettes are a tobacco
411 product.

412

413 Councilmember Olsen said if we knew there were secondary health impacts then it would
414 be a significantly different issue.

415

416 Councilmember Needham said if the e-cigarettes contain nicotine that is the worst of the
417 many substances that people use. It would seem to him that we want Logan to be as clean
418 and wholesome as we can and not allow this in our City parks and other locations in the
419 City. It does simulate smoking regular cigarettes.

420

421 Chairman Ward said he questions whether this is needed. It's already covered in essence
422 in the language of the State law.

423

424 Councilmember Olsen suggested that the Council table this amendment until there is
425 more information regarding e-cigarettes. He does not want to encourage e-cigarettes and
426 suggested the School District and USU is also contacted to get their input on e-cigarettes.

427

428 Vice Chairman Simmonds asked are the regulations the same for the possession of e-
429 cigarettes as they are for regular cigarettes.

430

431 Logan City Police Chief Gary Jensen responded yes, the regulations are the same and
432 have been for the past 19 years to purchase or possess. He said the police department has
433 seen an increase in citations to youth for underage smoking of e-cigarettes. Utah law
434 prohibits using them under age 19, the same as with regular cigarettes. They are also
435 seeing and arresting people who are using the e-cigarette products to smoke marijuana
436 and other substances. He said it took years and years to determine that second hand
437 smoke was harmful to our health. He suggested that we take the opportunity to do this in
438 reverse and do something about it now.

439

440 Councilmember Olsen said the tobacco companies knew years and years ago and they did
441 not disclose the health effects. He feels that what Chief Jensen has described is a misuse
442 of e-cigarettes and not the use of e-cigarettes. He feels we should be aggressive and
443 enforce the misuse of e-cigarettes.

444

445 Annie Parker from the Bear River Health Department addressed the Council and stated
446 that the Health Department will send additional information to the Council on e-cigarettes
447 prior to the January 6, 2015 Council meeting.

448

449 The proposed ordinance will be tabled until the January 6, 2015 Council agenda.

450

451 **OTHER CONSIDERATIONS.**

452

453 There were no other considerations from the Mayor or Council.

454

455 **ADJOURN**

456

457 There being no further business to come before the Council, the meeting adjourned at
458 6:40 p.m.

459

460

461

462 Teresa Harris, City Recorder